



**U.S. Department of Justice**

Environment and Natural Resources Division

90-11-3-07683/17

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December 29, 2022

**BY ECF**

Honorable Madeline Cox Arleo, U.S.D.J.  
U.S. District Court for the District of New Jersey  
Martin Luther King Building and U.S. Courthouse  
50 Walnut Street Room 4015  
Newark, NJ 07101

**Re: *United States v. Alden Leeds, et al.*, No. 22-cv-7326-MCA-LDW**

Dear Judge Arleo:

This Office, along with the U.S. Attorney's Office for the District of New Jersey, represents Plaintiff United States of America, on behalf of the Environmental Protection Agency, in the above-referenced action. In this matter, the United States filed a complaint and a proposed Consent Decree with 85 potentially responsible parties, requiring them to pay a total of \$150 million to support cleanup work at two operable units of the Diamond Alkali Superfund Site. ECF Nos. 1, 2-1. If entered, the proposed Consent Decree will resolve the United States' claims in the complaint. The Consent Decree is currently subject to a 45-day public comment period. On Friday night, December 23rd, 2022, Occidental Chemical Corporation filed a Motion to Intervene and For Extension of Time to Comment on Proposed Consent Decree, ECF No. 34. I write to respectfully request a two-week extension of the deadline for the United States to submit its response brief, from January 3rd to January 17th, 2023. I make this request because Occidental Chemical Corporation filed its motion during a time when several individuals working on this matter for the United States are on vacation; the additional two week time period will allow us to confer with Occidental Chemical Corporation to determine if the parties can reach agreement on the scope of intervention; and EPA and DOJ attorneys may need to seek approvals from their respective managers if we are able to reach agreement with Occidental Chemical Corporation.

This is the Plaintiff's first request for an extension of the response deadline. Occidental Chemical Corporation's counsel does not oppose this request, with the

understanding that the United States has agreed to extend the public comment period by 15 days for a total of 60 days. At this time, the United States has not yet taken a position on Occidental Chemical Corporation's request to extend the public comment period for a total of 90 days.

We thank the Court for its time and attention to this matter.

Respectfully submitted,

TODD KIM  
Assistant Attorney General  
Environment & Natural Resources Division

By: s/ Laura J. Rowley  
Laura J. Rowley  
Senior Trial Attorney  
U.S. Department of Justice  
Environment & Natural Resources Division  
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cc: Counsel of Record (By ECF)  
Counsel for Settling Defendants, as identified in the table located at ECF No. 2 (by email)